



**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

MICHAEL J. HALLMARK,

Plaintiff,

v.

TAKATA CORPORATION,
TK HOLDINGS, INC.,
AMERICAN HONDA MOTOR CO., INC.,
HONDA OF AMERICA MFG., INC.,
WEST HERR AUTO GROUP,
WEST HERR DOE DEFENDANTS 1-3,

Defendants.

COMPLAINT

CASE NO.: **23 CV 981-V**

PRELIMINARY STATEMENT

1. On September 27, 2020, Plaintiff was gravely and permanently injured in an auto accident. The grave and permanent injuries that the Plaintiff sustained were not due to the collision. The defective Takata airbags installed in Plaintiff's 2011 Honda Accord caused the injuries—injuries that could have been avoided or treated such that Plaintiff could have resumed his normal activities. However, the Honda Defendants' decision to continue installing airbags it knew to be potentially lethal as the airbags had resulted in needless deaths for years prior to causing Plaintiff's catastrophe is to blame for Plaintiff now being permanently disabled and constantly in pain.
2. The Takata airbag scandal represents one of the most significant and far-reaching automotive safety crises in recent history which, according to the National Highway Traffic Safety Administration ("NHTSA"), resulted in the largest and most complex

safety recall in U.S. History. While the scandal affected 19 automakers, the Honda Corporation was most culpable.

3. As early as 2004, Honda became aware of an airbag rupture in one of its vehicles but claimed to have considered it an anomaly. Evidence later revealed that Honda was more deeply aware of the issues than initially reported. Internal documents and subsequent investigations showed that Honda was aware of tests and information suggesting flaws in Takata's airbags long before the scandal broke into public awareness. Honda decided to continue using the Takata's airbags rather than using another airbag manufacturer because Takata's airbags were inexpensive. Four Automakers Knew of Takata Airbag Hazard for Years, Suit Says, New York Times Feb. 28, 2017
4. The core issue of the scandal centered on the airbags produced by Takata, which were found to be prone to explode upon deployment, sending metal shrapnel into the vehicle's cabin. The culprit was the ammonium nitrate-based propellant used in the inflators, which was sensitive to moisture and temperature changes. Over time, the propellant could degrade, leading to the violent explosions. This defect resulted in countless injuries and fatalities across the globe.
5. The scandal gave rise to class action lawsuits being filed in federal courts around the country and multidistrict litigation ("MDL"). After an extensive investigation by the U.S. Department of Justice, Takata agreed to plead guilty to wire fraud and pay a total of \$1 billion in criminal penalties stemming from the company's fraudulent conduct in relation to sales of defective airbags. An indictment was also unsealed charging three Takata executives with wire fraud and conspiracy in relation to the same conduct. The DOJ press release stated:

For more than a decade, Takata repeatedly and systematically falsified critical test data related to the safety of its products, putting profits and production schedules ahead of safety,” said Fraud Section Chief Weissmann. “This announcement is the latest in the automotive industry enforcement actions the Fraud Section has taken to protect U.S. consumers against fraud. . . .Whether it is the manipulation of test results which impact customer safety, defective product development or any other type of fraud, we will continue to aggressively investigate corporate fraud allegations to protect consumers in the United States and elsewhere.

6. In addition to the federal litigation and scathing indictment of the Takata Corporation and three of its executives by the Justice Department, 48 state Attorneys General brought consumer protection actions against Honda, which culminated on August 25, 2020 in a Consent Decree and an \$850 Million multi-state settlement.
7. Plaintiff brings this action as one of the consumers victimized by actions and inaction that was investigated, punished, and enjoined by the federal and state governments.

PARTIES

Plaintiff

8. Plaintiff Michael J. Hallmark is a citizen of New York and a resident of Cheektowaga, Erie County, New York.

Defendants

9. Defendant Takata Corporation ("Takata") is a foreign for-profit corporation with its principal place of business is ARK Hills South Tower 4-5 Roppongi 1-Chome, Minato-ku, Tokyo, 106-8488.
10. Defendant TK Holdings Inc. ("TK Holdings") is a subsidiary of Takata Corporation and its principal place of business is 2500 Takata Drive, Auburn Hills, Michigan

48326. TK Holdings sells, designs, manufactures, tests, marks, and distributes Takata airbags in the United States.

11. Defendant American Honda Motor Co., Inc. is a corporation located at 1919 Torrance Boulevard, Torrance, California, 90501.

12. Defendant Honda American Mfg. Inc., is a corporation located at 24000 Honda Parkway, Marysville, Ohio, 43040.

13. Defendants West Herr Auto Group and West Herr Does 1-3 are the dealership that sold the Vehicle to Plaintiff and three unnamed managers and sales staff, respectfully.

JURISDICTION AND VENUE

Subject Matter Jurisdiction

1. This Court has federal question under 28 U.S.C. § 1331. The Court has diversity jurisdiction because Plaintiff and the Defendants are citizens of different states, and the amount in controversy exceeds \$75,000, exclusive of interest and costs. 28 U.S.C. §1332.
2. This court may exercise supplemental jurisdiction over the state claim against Herr Honda because this defendant is a part of the chain of distribution of a defective product and its conduct complained against is so related to the federal and diversity claims that they form part of the same case or controversy. 28 U.S.C. § 1367

***In Personam* Jurisdiction**

3. This Court has personal jurisdiction over Plaintiff he is domiciled in Erie County, NY. This Court *in personam* jurisdiction over Defendants because they introduce their products for sale into the stream of commerce and thereby conduct substantial business in this District.

Venue

4. Venue is proper in Western District of New York because a substantial part of the events or omissions giving rise to these claims occurred in this District, and the harm to Plaintiff occurred in this District. 28 U.S.C. § 1391(a)

STATEMENT OF FACTS

5. On February 1, 2016, Plaintiff purchased a 2011 Honda Accord bearing the vehicle identification number 1HGCP2F84BA077714 (“the Vehicle”) from West Herr Defendants.
6. On September 27, 2020, Plaintiff was traveling as a passenger in the Vehicle when he was in an automobile accident.
7. As a result of the accident, Plaintiff has been diagnosed with multiple serious injuries, most notably traumatic brain injury, ongoing intractable post-traumatic headaches with visual disturbances, altered depth perception, visual tracking difficulties, light sensitivity, dizziness, and motion sickness; ongoing cognitive problems, including but not limited to: memory loss, impaired concentration, difficulties with executive function, and confusion; pseudobulbar affect, which is a neurological condition that causes involuntary outbursts of uncontrolled or inappropriate laughing or crying, due to a disconnect between the frontal lobe of the brain (which controls emotions) and the cerebellum and brain stem (which mediate reflexes);
8. Plaintiff has been recommended for two surgeries: (1) an anterior cervical discectomy and fusion; and (2) a reconstructive arthroscopic surgery for the ulnar-sided TFCC-tear in his right wrist. Plaintiff’s injuries also include:
Spinal and Neck Injuries:

Herniation of the spinal discs between his fifth-to-the-sixth and his sixth-to-the seventh cervical vertebrae, resulting in spinal and foraminal stenosis.
Bulges/protrusions of the spinal discs at his third-to-the fourth cervical and his seventh cervical to the first thoracic vertebrae, resulting in spinal and foraminal stenosis, cervical radiculitis, and unremitting radiculopathy.
Loss of full, pain-free, physiologic spinal range of motion.
Complex orthopedic spinal surgery still required: two-level anterior cervical discectomy and fusion of the fifth-to-the-seventh discs in his cervical spine, or artificial cervical disc placement.
Cervical sprain/strain injury with cervical ligamentous instability.
Lumbosacral sprain/strain injury with lumbosacral radiculitis.
Myofascial trigger points and spasms throughout his spinal musculature bilaterally.
Ongoing neck pain radiating to the right scapula.

Wrist and Hand Injuries:

Right wrist triangular fibrocartilage complex (TFCC) tear.
Right scapholunate ligament tear.
Right wrist sprain/strain injury/tear of the ulnocarpal ligament.
Right hand diffuse digital flexor tenosynovitis.
Need for complex, reconstructive orthopedic hand surgery: arthroscopy and possible open ligament repair.
Ongoing right wrist pain.

Shoulder Injuries:

Bilateral shoulder rotator cuff tendinitis (impingement syndrome).
Partial thickness rotator cuff tear.
Bilateral shoulder acromioclavicular (AC) joint sprain.
Bilateral post-traumatic AC joint arthrosis (arthritis).
Right shoulder sprain/strain injury and right shoulder impingement syndrome.
Shoulder and ongoing paresthesias in his right arm and hand.

Knee and Lower Extremity Injuries:

Oblique tear of the posterior horn of his right medial meniscus.
Chondromalacia patella of his right knee.
Anterior right knee pain with clicking.

Mental Health and General Ailments:

Panic disorder.
Immediate onset of radiating neck, upper back, right shoulder, low back and tailbone pain, numbness, tingling, and twitching in his right hand, and pain and numbness in his right wrist.
Need for protracted courses of prescribed outpatient physical therapy, occupational therapy, acupuncture treatments, chiropractic manipulations, vestibular therapy, cervical traction, and home exercise program.
Need for ongoing medical care, advice, and treatment in the future.
Loss of independence and inability to independently perform even simple activities of daily living; loss of income and inability to work.

Slow, deliberate movements and abnormal gait.
Ongoing pain and suffering; loss of enjoyment of life; loss of consortium.

9. Plaintiff trusted that Vehicle manufactured the vehicle such that it was safe to operate in the manner intended by any consumer and would have sustained minor injuries but for the conduct and inaction of the Defendants.
10. On knowledge and belief, the Honda Defendants ordered a “stop sale” to all dealerships before February 1, 2016.
11. The “stop sale” required auto dealerships to cease the sale of new Honda cars due to the defective airbags and alerted its dealerships of some used Honda being subject to recall.
12. On September 27, 2018, the NTSB issued Recall Number 18V-661 for the Vehicle, Manufacturer Recall Number M2J.
13. NHTSA Recall Number 18V-661 identified the safety risk as follows: “[i]n the event of a passenger frontal airbag inflator rupture, metal fragments could pass through the airbag cushion material, potentially resulting in injury to vehicle occupants.”
14. On May 16, 2019, the NHTSA issued Recall Number 19V378000 citing “[a]n incorrectly installed air bag inflator may not properly deploy the passenger frontal air bag in the event of a crash, increasing the risk of injury.”
15. On November 26, 2019, 19E080 the NHTSA campaign warned that “[i]n the event of a crash necessitating air bag deployment, an inflator rupture may result in metal fragments striking the driver or other occupants. An underinflated air bag may not properly protect the occupant. These scenarios increase the risk of serious injury or death.”
16. The Plaintiff did not receive notice from Honda of any of the recalls listed above.

17. This failure to warn is the actual and proximate cause of Plaintiff's grave injuries and permanent disability; and, as discussed below, each of the Defendants owed Plaintiff a duty to warn him of the risks associated with each of the recalls.
18. The Defendants' failure to warn is evident from the status of the Vehicle as of the filing date of this lawsuit. As of September 17, 2023, the NHTSA lists Vehicle on its recall website as "recall incomplete

Count I
Fraudulent Concealment
(Takata Defendants)

19. Plaintiff realleges and incorporates by reference herein each and every allegation in the preceding paragraphs.
20. Evidence in the *In Re: Takata Airbag Products Liability Litigation* Honda Settlement No. 15-MD-2599-FAM and the guilty pleas to criminal charges by Takata and three of its executives prove that for over a decade, prove that Takata knowingly sold millions of defective airbags to Honda Defendants (as well as other manufacturers).
21. Plaintiff purchased the Vehicle with Takata's defective airbags and was almost killed in an automobile accident because of it.
22. But for Takata's well documented, decades long practice of violating federal law by concealing dangers and substantial likelihood that consumers would be gravely injured or killed by operating automobiles equipped with their airbags, Plaintiff would not have purchased any vehicle equipped with Takata's airbags.
23. Takata's uncontroverted fraudulent concealment is the actual and proximate cause of Plaintiff's physical injury, permanent disability, pain and suffering, and economic loss.

Count II

**Fraudulent Concealment in Violation of 49 C.F.R. § 1.95. 2.
Or, in the Alternative, Failure to Warn
(Honda Defendants)**

24. Plaintiff realleges and incorporates by reference herein each and every allegation in the preceding paragraphs.
25. Under the Safety Act, a manufacturer of motor vehicles has a duty to notify NHTSA and owners, purchasers, and dealers of a vehicle if the manufacturer learns the vehicle contains a defect and decides in good faith that the defect is related to motor vehicle safety.
26. Honda knew as early as 2004 that the Takata airbags that Honda manufacturers installed in its vehicles were defective. In fact, the Takata litigation revealed communications from Honda to both Takata and eventually to the NTSB. *See Exhibit B, In re Takata Airbags MDL Final Settlement 2017*
27. On knowledge and belief, Honda reported the danger or grave bodily harm or death that could result from the airbags in a car collision, yet Honda Defendants continued to install the airbags in most of its vehicles, one of which Plaintiff purchased.
28. Plaintiff would not have purchased the Vehicle had he known that the airbags-- components responsible for safety of the passengers—were compromised, let that the airbag was a *de facto* dangerous instrumentality.
29. As a consequence of Honda's fraudulent concealment of a dangerous instrumentality, Plaintiff purchased the Vehicle which was the foreseeable actual and proximate cause of the grave injury and permanent disability to the Plaintiff.
30. On August 25, 2020, the Attorney General of the State of New York filed a state Complaint against Honda alleging violations of consumer protections laws by
- (1) Advertising, promoting, communicating, or otherwise representing in a way that is unfair, false, misleading, and/or deceptive (a) its Airbags, (b) the safety of its Airbags, (c) the safety of any

components of its Airbags, including, but not limited to, ammonium nitrate, and (d) the overall safety of its vehicles, in trade or commerce in violation of New York law

- (2) Representing that its Airbags or any components of the Airbags, including, but not limited to, ammonium nitrate, have uses, benefits, and characteristics which they do not have, in violation of New York law
- (3) Representing that its Airbags or any components of its Airbags, including, but not limited to Airbags, and contemporaneous Consent Decree was aware of the issues with the Takata airbags , ammonium nitrate, are of a particular standard, quality, or grade, when they are of another, in violation of New York law, and
- (4) Failure to disclose information concerning its Airbags or any components of its Airbags, included , but not limited to, ammonium nitrate, which was known at the time of the offer and sale of its vehicles, when failure was intended to induce the consume into the transaction which the consumer would not have entered into had the information been disclosed, in violation of New York law.

31. Honda settled the action brought by a multistate task force, including, Attorney General Letita James, for \$85 Million over airbag failures¹.

32. The Consent Decree filed contemporaneously with the state suits and settlement and the evidence that was adduced in the Takata multidistrict litigation supports all factual claims set out in the Counts in the instant case.

Count IV
Deceptive Acts and False Advertising
Violation of New York General Business Law Section 349 & 350
(West Herr Defendants)

¹ Alabama, Alaska, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Vermont, Washington, West Virginia, Wisconsin, Wyoming, the District of Columbia, Guam, and the Northern Mariana Islands.

33. Plaintiff realleges and incorporates by reference herein each and every allegation in the preceding paragraphs.
34. The Herr Defendants knowingly sold the Vehicle to Plaintiff with knowledge that the Vehicle was subject to an unrepaired recall.
35. The Herr Defendants failed to disclose the unrepaired recall to Plaintiff.
36. The Herr Defendants advertisement of the Vehicle implied that the Vehicle was fit to operate as reasonably foreseeable by the manufacturer and consumer.
37. The Herr Defendants' failure to disclose the recall amounts to a deceptive practice under New York law.
38. Plaintiff was a passenger in the Vehicle which was being operated in a reasonably foreseeable manner.
39. An automobile collision is a reasonably foreseeable occurrence that would from the operation of the Vehicle.
40. Because an automobile collision is a reasonably foreseeable occurrence which could ultimately stem from the purchase of the Vehicle and the Herr Defendants knew that the defective airbag presented an extraordinarily high risk of serious injury or death if the Vehicle was involved in a collision, Herr Defendants owed heightened duty of care to Plaintiff to disclose the risk
41. Plaintiff would not have purchased the Vehicle if Herr Defendants disclosed the defect or, in the alternative, Plaintiff would have had the defect repaired before purchasing the Vehicle.
42. Herr Defendants knew that the Vehicle was not reasonably safe and that it was not safe to a degree beyond that which would be contemplated by Plaintiff, an ordinary consumer.

43. Herr Defendants' failure to disclose the fact that the Vehicle was subject to the recall was the actual and proximate cause of Plaintiff's physical injury and economic loss.

JURY DEMAND AND RELIEF SOUGHT

- (1) Plaintiff demands that this Complaint be tried by a jury.
- (2) Plaintiff seeks actual damages in the amount exceeding \$5,270,000 and that the jury allocate fault among the Defendants as they are jointly and severally liable for Plaintiff's injuries and economic loss.
- (3) Exemplary damages in an amount to be determined by the jury.
- (4) Such other relief that the Court finds to be just and proper.

Dated: September 18, 2023

Respectfully submitted,

 *Sept-18, 2023*

Michael J. Hallmark, Plaintiff
53 Denise Drive
Cheektowaga, New York 14227
mjhallmark@yahoo.com
716-598-6323

CIVIL COVER SHEET

23 CV 981

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

MICHAEL J. HALLMARK

(b) County of Residence of First Listed Plaintiff Erie
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

53 Denise Drive, Cheektowaga, New York 14227
mjhallmark@yahoo.com 716-598-6323

DEFENDANTS

TAKATA CORPORATION, TK HOLDINGS, INC.;
AMERICAN HONDA MOTOR CO.; HONDA OF AMERICA

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

UNKNOWN

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander		INTELLECTUAL PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	LABOR	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input checked="" type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 720 Labor/Management Relations	SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
		<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	IMMIGRATION	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 462 Naturalization Application	FEDERAL TAX SUITS	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment		<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations			<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment			<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other			
	<input type="checkbox"/> 448 Education			
	PRISONER PETITIONS			
	<input type="checkbox"/> 463 Alien Detainee			
	<input type="checkbox"/> 510 Motions to Vacate Sentence			
	<input type="checkbox"/> 530 General			
	<input type="checkbox"/> 535 Death Penalty			
	Other:			
	<input type="checkbox"/> 540 Mandamus & Other			
	<input type="checkbox"/> 550 Civil Rights			
	<input type="checkbox"/> 555 Prison Condition			
	<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

49 U.S.C. Sections 30119-30121.

Brief description of cause:

Takata - Honda Defective Airbag Case--Fraudulent Concealment; Failure to Warn; Violation of NY State Consumer Protection Law

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$
\$5,270,000.00CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE